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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,891	01/17/2006	Tinashe Benjamin Muchada	126690	3442
25944	7590	07/23/2007		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER HUR, ECE	
			ART UNIT 2109	PAPER NUMBER
			MAIL DATE 07/23/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/564,891

Applicant(s)

MUCHADA, TINASHE BENJAMIN

Examiner

ECE HUR

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is responsive to application filed on January 17, 2006 in which claims 1 to 5 are presented for examination. This application is a 371 of PCT/GB03/03019, filed on July 14, 2003.

#### ***Status of Claims***

Claims 1-5 are pending in the case. Claim 1 is the independent claim.

Claim 1 is rejected under 35 U.S.C. 112, 1<sup>st</sup> paragraph.

Claims 2 and 4 are rejected under 35 U.S.C. 112, 2<sup>nd</sup> paragraph.

Claims 1-5 are rejected under 35 U.S.C. 101.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b).

Claims 3 and 5 are rejected under 35 U.S.C. 103(a).

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 112, first paragraph, because the claim recites a single means(a user interface) that does not appear in combination with other recited element of means. A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197(Fed. Cir. 1983) (A single means claim which covered every

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conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor. (MPEP 2164.08(a)).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention: Claims 2 and 4 recite "there" and "they", pronouns are not permitted and only what is referred by "there" and "they" should be set forth in the claims.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5 are rejected under 35 U.S.C. 101 because there is no platform, an interface could be a software, however software per se is not statutory subject matter. Interface described in the application is functional descriptive material without an appropriate computer readable medium.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2 and 4** are rejected under 35 U.S.C. 102(b) as being anticipated by Card et al. (US Pub. No.: 2002/0083101 A1).

Regarding Claim 1, Card discloses a system wherein a virtual three-dimensional book having one or more virtual pages and the system comprises a display system capable of executing a display program wherein images of the virtual three-dimensional book are produced on the display system. Furthermore, Card discloses that the display system may include a folding function, whereby a segment of a virtual page is displayed as at least partially folding backward from a surface of the display system and a dynamic bookmark function may be provided for displaying one or more dynamic

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bookmarks to a virtual three-dimensional book. Additionally, Card discloses a computer program product comprising a computer usable medium having computer readable code embodied therein for producing images of a virtual three-dimensional book. Card discloses the claimed aspect of "a user interface consisting of electronic books mounted on a cabinet" in FIG. 1, wherein the document workspace is arranged hierarchically, based on interaction rates, into three main levels: a Focus Space (for the document objects in active use), Immediate Memory Space (for document objects in use), and Tertiary Space (for document objects not in use). (Card, Page 1, Paragraph 0011). Card discloses that the tertiary space illustrated in FIG.1 is where document objects may be positioned when they are not in use. Furthermore, Card discloses that the document objects that are used for reference purposes are placed in the tertiary space and the tertiary space is represented as a bookcase 20 wherein bookcase 20 includes document objects 30 and 35. (Card, Page 1, Paragraph 0012).

Regarding Claim 2, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. Card discloses the claimed aspect of a sensor to detect the approach of users on page 1, paragraph 0013 wherein a user touch is detected to move the book from the cabinet.

Regarding Claim 4, most of the limitations have been met in the rejection of Claim 1. See the rejection of Claim 1 for details. Card discloses the claimed aspect of books protruding out of the cabinet on request, wherein if the user "touches" one of

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documents in bookcase 20, it will automatically "fly" to the focus space and simultaneously, any document object then in the focus space will fly to a position in the immediate space. (Card, Page 1, Paragraph 0013, lines 1-4).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Card et al. (US Pub. No.: 2002/0083101 A1) in view of Santamake et al. US Patent 6,886,036.

Regarding Claims 3 and 5, Card does not teach the claimed aspect of earphone sockets for audio application, however Santamake discloses that on the e-book terminal 50, wherein an audio output means may be the incorporation such as one or more

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speakers and/or an earphone jack or external speaker jack, audio/sound processing circuits and software to support the sound capabilities of multimedia products, to support text-to-speech (TTS) synthesis to create spoken output based on stored electronic document. (Santamake, Page 11, Paragraph 0035, lines 1-7).

It would be obvious to an ordinary skill in the art the time of the invention to modify Card's invention with Santamake's invention because it will enable users to listen to audio books.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- 1) Chombo, US 6,313,828, 11/06/2001, "Electronic book ".
- 2) Huffman, et al., US 5,697,793, 11/16/1997, "Electronic book and method of displaying at least one reading metric therefor".
- 3) Sachs, et al., US 6,331,865, 12/18/2001, "Method and apparatus for electronically distributing and viewing digital contents ".
- 4) Ishibashi, Atsushi, et al., US 20010007980 A1, 07/12/2001, "Electronic book system and its contents display method ".



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to ECE HUR whose telephone number is (571) 270-1972. The examiner can normally be reached on MONDAY-THURSDAY 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FRANTZ COBY can be reached on (571) 272-4017. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ece Hur  
E.H./e.h.

July 12, 2007

  
FRANTZ COBY  
SUPERVISORY PATENT EXAMINER